IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 18TH SEPTEMBER 2006 / 27TH BHADRA 1928

Bail Appl..No. 5320 of 2006

CMP.4059/2006 of J.M.F.C.,THIRUVALLA
CRIME NO.21/2006 OF EXCISE RANGE, MALLAPPALLY

.....

PETITIONER/ACUSED.

K.DEVARAJAN, S/O.KRISHNAN,
PUTHENPARAMBIL VEEDU, KIDANGARA MURI,
VELIYANADU VILLAGE, KUTTANADU TALUK,
ALAPPUZHA DISTRICT.

BY ADV. SRI.K.S.VIJAYAKUMAR

RESPONDENTS: COMPLAINANT.

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5320/2006

DATED THIS THE 18TH DAY OF SEPTEMBER, 2006

O R D E R

The petitioner is the first accused in C.R.No.21/2006 of Excise Range, Mallappally. He is the brother of the second accused, the licensee of the toddy shop No.4/06-07 of Mallappally range. On inspection, the Excise officials seized five litres of toddy and also 300 ml of illicit arrack. The petitioner was therefore, arrested.

2. The prosecution submitted that the petitioner had sold the toddy mixed with arrack, which is against the regulations. It is also further submitted that the second accused was not so far arrested. The petitioner remains in judicial from 13.8.2006. Hence this application, under Section 439 Cr.P.C.

3. Considering the facts situation of the case, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Thiruvalla.

(b). The petitioner shall report before the Investigating Officer, once in a week on every Friday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 22.9.2006.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs